

FEDERAL ELECTION COMMISSION  
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
MUR 6885 ) CASE CLOSURE UNDER THE  
Citizens for Boyle ) ENFORCEMENT PRIORITY  
and Lindsay Angerholzer<sup>1</sup> as Treasurer ) SYSTEM  
Obermayer Rebmann Maxwell & Hippel LLP )

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GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue. These criteria include, without limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and developments of the law. It is the Commission's policy that pursuing relatively low-rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances and where appropriate, to find no reason to believe that a violation occurred. The Office of General Counsel has scored MUR 6885 as a low-rated matter and determined that it should not be referred to the Alternative Dispute Resolution Office.<sup>2</sup> For the reasons set forth below, the Office of General Counsel recommends that the Commission find no reason to believe that Citizens for Boyle and Lindsay Angerholzer, in her official capacity as treasurer (collectively,

<sup>1</sup> At the time of the Complaint and the Response, Janica Kyriacopoulos was the treasurer of Citizens for Boyle. On March 6, 2015, Citizens for Boyle filed an amended Statement of Organization (FEC Form 1) naming Lindsay Angerholzer as treasurer.

<sup>2</sup> The EPS rating information is as follows: Complaint Filed: October 22, 2014. Response from Citizens for Boyle and Janica Kyriacopoulos Filed: November 11, 2014. No response was received from Obermayer Rebmann Maxwell & Hippel LLP.

1 the "Committee"), or Obermayer Rebmann Maxwell & Hippel LLP, violated the Act or  
2 Commission regulations.

3 Complainant Carson Dee Adcock alleges that the Committee<sup>3</sup> reported receiving a total  
4 of \$7,100 in contributions from the partnership Obermayer Rebmann Maxwell & Hippel LLP  
5 during the 2014 election cycle, which appeared to include an excessive contribution of \$1,900.  
6 Compl. at 1. The Complaint also alleges that instead of refunding the \$1,900, the Committee  
7 accepted the contribution and applied the funds to a future election, the 2016 Primary.<sup>4</sup> *Id.*

8 In its Response, the Committee claims that the reported contribution was accurate, and  
9 states that "nothing in the applicable statutes or regulations prevents designation of a portion of a  
10 contribution to the next federal election for the same office." Resp. at 1. The Committee  
11 included a copy of a designation form signed by Thomas A. Leonard of Obermayer Rebmann  
12 Maxwell & Hippel LLP, designating \$700 of a \$2,600 check to the 2014 General Election and  
13 the remaining "\$1,900 to the 2016 Primary Election." *Id.*, Ex. A. The Committee also included  
14 a sworn affidavit from Kyriacopoulos, its former treasurer, stating that the designation form was  
15 a true copy. *Id.* at 3. Obermayer Rebmann Maxwell & Hippel LLP did not file a response.

16 The Act prohibits any person from making, and any candidate or committee from  
17 accepting, contributions in excess of the limits stated in 52 U.S.C. § 30116.<sup>5</sup> "Person" includes,

<sup>3</sup> The Committee is the principal campaign committee of Congressman Brendan F. Boyle, Representative of Pennsylvania's 13th Congressional District since 2015. Boyle successfully ran for re-election in 2016.

<sup>4</sup> See Citizens for Boyle 2014 October Quarterly Report of Receipts and Disbursements at 44, filed October 15, 2014, designating \$700 to the 2014 General Election and \$1,900 to the 2016 Primary Election.

<sup>5</sup> 52 U.S.C. § 30116(a), (f). In 2014, a person was limited to making \$2,600 in contributions, per election, to any candidate. 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. §§ 110.1(b)(1)(i)-(ii). See also Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 78 Fed. Reg. 8530-02 (February 6, 2013).

among other things, both individuals and partnerships.<sup>6</sup> Commission regulations allow for the designation of a contribution for “a particular election.” *See* 11 C.F.R. § 110.1(b)(2), (3), and (4). Such a designated contribution must not cause the contributor to exceed the contribution limits at 52 U.S.C. § 30116(a) with respect to the particular designated election. *See* 11 C.F.R. § 110.1(b)(1). Boyle was a candidate in two elections in 2014, winning both the Pennsylvania Democratic primary election and the general election. Thus, in order for the Committee to accept contributions totaling \$7,100 in 2014 from a single contributor, the contributor must have clearly stated in writing that \$5,200 of that total was designated for these two elections — \$2,600 for the primary and \$2,600 for the general — and the remaining \$1,900 was designated for another election. *See* Advisory Op. 2009-15 (Bill White for Texas) at 4 (permitting designation of contribution to a primary election, or, alternatively, to a special election that had yet not been scheduled).<sup>7</sup> In this case, the Committee followed the contributor’s instructions, as shown in the Committee’s Response and FEC filings. Thus, the Act and Commission regulations allowed the Committee to use the described designations to accept \$1,900 in 2014, which was designated for the 2016 election cycle.<sup>8</sup>

Accordingly, the Office of General Counsel recommends that the Commission find no reason to believe that Citizens for Boyle and Lindsay Angerholzer, in her official capacity as

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<sup>6</sup> 52 U.S.C. § 30101(11).

<sup>7</sup> The Commission has recognized that accepting contributions for an election at a time before the necessity of such an election is determined is analogous to accepting general election contributions before the primary election. *See* AO 2009-15 at 7 (citing Advisory Op. 1982-49 (Weicker) (superseded in part on other grounds)).

<sup>8</sup> The Committee must use an acceptable accounting method to distinguish between the contributions received for each of the two election cycles, e.g., by designating separate bank accounts for each election or maintaining separate books and records for each election. 11 C.F.R. § 102.9(e)(1). *See* AO 2009-15 at 5. When reporting the contributions that are accompanied by written designations for an upcoming election, and are received before the next election cycle begins, the Committee must check a box on Schedule A indicating either a “Primary” contribution or a “General” contribution for the upcoming election and include a memo text stating the election for which it is designated. *Id.* at 8.

treasurer, violated 52 U.S.C. § 30116(f), and find no reason to believe that Obermayer Rebmann Maxwell & Hippel LLP violated 52 U.S.C. § 30116(a). Additionally, the Office of General Counsel recommends that the Commission approve the attached Factual and Legal Analyses and the appropriate letters, and close the file.

**RECOMMENDATIONS**

1. Find no reason to believe that Citizens for Boyle and Lindsay Angerholzer, in her official capacity as treasurer, violated 52 U.S.C. § 30116(f);
2. Find no reason to believe that Obermayer Rebmann Maxwell & Hippel LLP violated 52 U.S.C. § 30116(a);
3. Approve the attached Factual and Legal Analyses and the appropriate letters; and
4. Close the file.

Lisa J. Stevenson  
Acting General Counsel


Kathleen M. Guith  
Acting Associate General Counsel

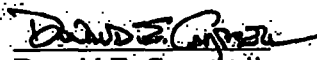
12.7.16

Date

BY:

  
Stephen Gura  
Deputy Associate General Counsel

  
Jeff S. Jordan  
Assistant General Counsel

  
Donald E. Campbell  
Attorney

Attachments:  
Factual and Legal Analyses

## FACTUAL AND LEGAL ANALYSIS

**MUR 6885**

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (“the Act”) and Commission regulations by Citizens for Boyle and Lindsay Angerholzer, in her official capacity as treasurer (collectively, the “Committee”), and Obermayer Rebmann Maxwell & Hippel LLP. It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

### A. Factual Background

The Complaint alleges that the Committee<sup>2</sup> reported receiving a total of \$7,100 in contributions from the partnership Obermayer Rebmann Maxwell & Hippel LLP during the 2014 election cycle, which appeared to include an excessive contribution of \$1,900. Compl. at 1. The Complaint also alleges that instead of refunding the \$1,900, the Committee accepted the contribution and applied the funds to a future election, the 2016 Primary.<sup>3</sup> *Id.*

1 At the time of the Complaint and the Response, Janica Kyriacopoulos was the treasurer of Citizens for Boyle. On March 6, 2015, Citizens for Boyle filed an amended Statement of Organization (FEC Form 1) naming Lindsay Angerholzer as treasurer.

<sup>2</sup> The Committee is the principal campaign committee of Congressman Brendan F. Boyle, Representative of Pennsylvania's 13th Congressional District since 2015. Boyle successfully ran for re-election in 2016.

<sup>3</sup> See Citizens for Boyle 2014 October Quarterly Report of Receipts and Disbursements at 44, filed October 15, 2014, designating \$700 to the 2014 General Election and \$1,900 to the 2016 Primary Election.

1 In its Response, the Committee claims that the reported contribution was accurate, and  
2 states that “nothing in the applicable statutes or regulations prevents designation of a portion of a  
3 contribution to the next federal election for the same office.” Resp. at 1. The Committee  
4 included a copy of a designation form signed by Thomas A. Leonard of Obermayer Rebmann  
5 Maxwell & Hippel LLP, designating \$700 of a \$2,600 check to the 2014 General Election and  
6 the remaining “\$1,900 to the 2016 Primary Election.” *Id.*, Ex. A. The Committee also included  
7 a sworn affidavit from Kyriacopoulos, its former treasurer, stating that the designation form was  
8 a true copy. *Id.* at 3. Obermayer Rebmann Maxwell & Hippel LLP did not file a response.

9 **B. Legal Analysis**

10 The Act prohibits any person from making, and any candidate or committee from  
11 accepting, contributions in excess of the limits stated in 52 U.S.C. § 30116.<sup>4</sup> “Person” includes,  
12 among other things, both individuals and partnerships.<sup>5</sup> Commission regulations allow for the  
13 designation of a contribution for “a particular election.” See 11 C.F.R. § 110.1(b)(2), (3), and  
14 (4). Such a designated contribution must not cause the contributor to exceed the contribution  
15 limits at 52 U.S.C. § 30116(a) with respect to the particular designated election. See 11 C.F.R.  
16 § 110.1(b)(1). Boyle was a candidate in two elections in 2014, winning both the Pennsylvania  
17 Democratic primary election and the general election. Thus, in order for the Committee to  
18 accept contributions totaling \$7,100 in 2014 from a single contributor, the contributor must have  
19 clearly stated in writing that \$5,200 of that total was designated for these two elections —

<sup>4</sup> 52 U.S.C. § 30116(a), (f). In 2014, a person was limited to making \$2,600 in contributions, per election, to any candidate. 52 U.S.C. § 30116(a)(1)(A); 11 C.F.R. §§ 110.1(b)(1)(i)-(ii). See also Price Index Adjustments for Contribution and Expenditure Limitations and Lobbyist Bundling Disclosure Threshold, 78 Fed. Reg. 8530-02 (February 6, 2013).

<sup>5</sup> 52 U.S.C. § 30101(11).

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3 designation of contribution to a primary election, or, alternatively, to a special election that had  
4 yet not been scheduled).<sup>6</sup> In this case, the Committee followed the contributor's instructions, as  
5 shown in the Committee's Response and FEC filings. Thus, the Act and Commission  
6 regulations allowed the Committee to use the described designations to accept \$1,900 in 2014,  
7 which was designated for the 2016 election cycle.<sup>7</sup> Accordingly, the Commission finds no  
8 reason to believe that Citizens for Boyle and Lindsay Angerholzer, in her official capacity as  
9 treasurer, violated 52 U.S.C. § 30116(f).

<sup>6</sup> The Commission has recognized that accepting contributions for an election at a time before the necessity of such an election is determined is analogous to accepting general election contributions before the primary election. *See* AO 2009-15 at 7 (citing Advisory Op. 1982-49 (Weicker) (superseded in part on other grounds)).

<sup>7</sup> The Committee must use an acceptable accounting method to distinguish between the contributions received for each of the two election cycles, e.g., by designating separate bank accounts for each election or maintaining separate books and records for each election. 11 C.F.R. § 102.9(e)(1). *See* AO 2009-15 at 5. When reporting the contributions that are accompanied by written designations for an upcoming election, and are received before the next election cycle begins, the Committee must check a box on Schedule A indicating either a "Primary" contribution or a "General" contribution for the upcoming election and include a memo text stating the election for which it is designated. *Id.* at 8.

**FEDERAL ELECTION COMMISSION**

**FACTUAL AND LEGAL ANALYSIS**

**RESPONDENTS: Obermayer Rebmann Maxwell & Hippel LLP**

**MUR 6885**

**I. INTRODUCTION**

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by Citizens for Boyle and Lindsay Angerholzer, in her official capacity as treasurer (collectively, the "Committee"), and Obermayer Rebmann Maxwell & Hippel LLP. It was scored as a low-rated matter under the Enforcement Priority System, by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. Factual Background**

The Complaint alleges that the Committee<sup>1</sup> reported receiving a total of \$7,100 in contributions from the partnership Obermayer Rebmann Maxwell & Hippel LLP during the 2014 election cycle, which appeared to include an excessive contribution of \$1,900. Compl. at 1. The Complaint also alleges that instead of refunding the \$1,900, the Committee accepted the contribution and applied the funds to a future election, the 2016 Primary.<sup>2</sup> *Id.*

In its Response, the Committee claims that the reported contribution was accurate, and states that "nothing in the applicable statutes or regulations prevents designation of a portion of a

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3 Maxwell & Hippel LLP, designating \$700 of a \$2,600 check to the 2014 General Election and  
4 the remaining “\$1,900 to the 2016 Primary Election.” *Id.*, Ex. A. The Committee also included  
5 a sworn affidavit from Kyriacopoulos, its former treasurer, stating that the designation form was  
6 a true copy. *Id.* at 3. Obermayer Rebmann Maxwell & Hippel LLP did not file a response.

7 **B. Legal Analysis**

8 The Act prohibits any person from making, and any candidate or committee from  
9 accepting, contributions in excess of the limits stated in 52 U.S.C. § 30116.<sup>3</sup> “Person” includes,  
10 among other things, both individuals and partnerships.<sup>4</sup> Commission regulations allow for the  
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4 regulations allowed the Committee to use the described designations to accept \$1,900 in 2014,  
5 which was designated for the 2016 election cycle.<sup>6</sup> Accordingly, the Commission finds no  
6 reason to believe that Obermayer Rebmann Maxwell & Hippel LLP violated 52 U.S.C.  
7 § 30116(a).

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